

**REMARKS/ARGUMENTS**

The Office Action mailed November 22, 2004 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 1, 8, 9, 13, 20 and 27 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 4, lines 11-13. The text of claims 2-7, 10-12, 14-19 and 21-26 is unchanged, but their meaning is changed because they depend from amended claims.

New claims 28-41 also particularly point out and distinctly claim subject matter regarded as the invention. Support for these claims may be found in the specification, page #, lines #.

**The First 35 U.S.C. § 102 Rejection**

Claims 1-27 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Ross<sup>1</sup>. This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.<sup>2</sup>

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<sup>1</sup> US005394402A

<sup>2</sup> Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Final Office Action states that:

Ross shows that when the destination addresses of the message do not match an address stored in memory of an internal port within the hub, the message is sent to the external ports having this same VLAN designation. These ports sharing the same VLAN designation as the ingress port are interpreted by the Examiner to be non-protected ports while ports having a different VLAN designation are interpreted to be protected ports. Considering states of protection/non-protection on the egress ports shown in Ross are provided by particular VLAN designations when considered in relation to the VLAN designation of the ingress port. It is in this context that VLAN designations acts as "protection" or "non-protection" for the ports of the hub 10 in FIG. 1.

The examiner is kindly thanked for clarifying the patent office position on this matter. However, claim 1 as amended specifically indicates that the ports must share a single VLAN designation. In fact, the background section of the present application specifically discusses the embodiment described in Ross, and points out the limitations of such (and conversely, the advantages of the present invention). Specifically, it discusses that traffic generated by users can be seen by other users on the same VLAN, and that the approach of restricting access to the traffic based on the VLAN designation is not practical when there are a large number of users. Specifically, the invention in Ross would require a very large number of VLANs, as each set of protected traffic streams would need its own VLAN.

The present invention addresses this problem by offering a solution that allows for the protection of ports that share the same VLAN, allowing a company to restrict access to traffic on certain ports without the need to assign those ports to a different VLAN. As such, Ross is missing this ability, and thus does not teach "configuring each of said plurality of ports by a user on said layer 2 switch as a protected port or non-protected port", wherein the plurality of ports "share a single virtual local area network (VLAN)."

As such, claim 1 is now in condition for allowance. Additionally, independent claims 8, 13, 20, and 27 contain similar limitations, and thus are also in condition for allowance.

As to dependent claims 2-7, 9-12, 14-19 and 21-26, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

#### Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP



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